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(Randol W. Read)

Atty. Dkt. No. WEAT/0553US
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## ARGUMENTS

Applicants respectfully submit that the Board did not address all of Applicants' arguments with respect to claim 21, as well as claims dependent therefrom, in the Decision. Accordingly, Applicants respectfully request a rehearing to consider these overlooked arguments as previously submitted and recapped below for the Board's convenience.

In the Examiner's Final Office Action dated September 22, 2006 with respect to claim 21 and its dependents, the Examiner rejected claims 21 and 27-28 under 35 U.S.C. § 103(a) as being unpatentable over *Chapman et al.* (U.S. Pub. No. 2003/0223712, hereinafter "*Chapman*") in view of *Maas et al.* (U.S. Pat. No. 5,157,751, hereinafter "*Mass*"), in further view of *Walters* (U.S. Pat. No. 6,033,515), in further view of *Eskildsen et al.* (U.S. Pub. No. 2003/0108307, hereinafter "*Eskildsen*"). The Examiner also rejected claims 23-25 as being unpatentable over *Chapman* in view of *Maas*, in further view of *Walters* and claims 27-28.

In the Appeal Brief submitted February 21, 2007, Applicants argued (among other things) the following with respect to claim 21:

...*Chapman* in view of *Mass*, further in view of *Walters* does not teach, show, or suggest a "system for fusing first and second optical waveguide sections together, each optical waveguide section having a core surrounded by a cladding, comprising...first and second stages to hold the first and second optical waveguides, respectively, wherein *at least one of the first and second stages is movable to provide relative motion between the first and second optical waveguides* while holding portions of the first and second optical waveguides to be fused with a fusion splice region while aligning their respective cores; and...wherein at least one of the stages is capable of holding *an optical waveguide having a cross-sectional dimension greater than 400 um*" as recited in independent claim 21.

Rather, *Chapman* teaches a clamp assembly 28 with a movable stage 30 that "moves with the clamped optical fibers 12 and 14 in alignment under [stationary] laser beams 19 and 26" (paragraph [0017] lines 1-9). Between the holder 32, the positioning arms 54 and 56, the clamping arms 74 and 76, and the secondary clamps 68 and 70, none are described as movable to provide relative motion between the optical

fibers 12 and 14 (paragraph [0017] lines 9-10 and 23-39). Instead, *Chapman* teaches that the holder 32, the positioning arms 54 and 56, the clamping arms 74 and 76, and the secondary clamps 68 and 70 simply form a holding, gripping, or clamping function on the optical fibers 12 and 14 as the single stage 30 is moved relative to the laser beams 19 and 26 (paragraph [0017]). Furthermore, none of the elements of the clamp assembly 28 are capable of holding an optical waveguide having a cross-sectional dimension greater than 400 um. *Mass* and *Walters* are silent as to...any stages for holding the optical waveguides, and thus, do not overcome the deficiencies of *Chapman*

(pages 15-16 of the Appeal Brief).

Similarly, in the Reply Brief submitted August 22, 2007, Applicants argued that

...the Examiner continues to only state that *Chapman et al.* teaches a method in which “the stages allow movement of the fibers relative to each other.” However, claim 21 recites that “at least one of the first and second stages is movable to provide relative motion between the first and second optical waveguides while holding portions of the first and second optical waveguides.” As explained in the Appeal Brief, the Examiner’s statement regarding movement of fibers fails to disclose ability of the stages in *Chapman et al.* to move. Therefore, the reference fails to teach, show or suggest each and every element recited in claim 21 or any claims dependent thereon

(page 4 of the Reply Brief).

However, the Board apparently overlooked these arguments in the Decision since these arguments were not addressed. Accordingly, Applicants have submitted this Request for the Board to consider these arguments.

Reversal of the rejections with respect to claims 21 and 23-30 is respectfully requested.

Respectfully submitted,

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